

Notice of Allowability

Application No.

09/845,083

Examiner

David Lazaro

Applicant(s)

MANTEGNA ET AL.

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 05/08/2007.
2. ☒ The allowed claim(s) is/are 1,2,5,8-12,15,18-22,25,28-30 and 34-44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER


David Lazaro
May 17, 2007

Response to Amendment

1. Claims 1, 11, 21 and 34-40 were amended.
2. Claims 3, 4, 6, 7, 13, 14, 16, 17, 23, 24, 26, 27 and 31-33 are canceled.
3. Claims 41-44 are newly added.
4. The rejection of claim 40 under 35 U.S.C. 101, is withdrawn by the examiner based on applicant's amendment.
5. The rejection of claims 1, 11, 21, 34, 35, 36 and 40 under 35 U.S.C. 112, first paragraph, is withdrawn by the examiner based on applicant's amendment.
6. The rejection of claim 21 under 35 U.S.C. 112, second paragraph, is withdrawn by the examiner based on applicant's amendment.

Allowable Subject Matter

7. Claims 1, 2, 5, 8-12, 15, 18-22, 25, 28-30 and 34-44 are allowed.
8. The following is an examiner's statement of reasons for allowance: The examiner agrees with applicant's arguments presented in the remarks filed 05/08/2007.

Particularly, each independent claim includes the following limitations in methods (and corresponding computer program and system) for dynamic latency management in a real-time electronic communication:

“ selecting a time window defined based on a time necessary to capture a complete cycle of fluctuations in the receiving buffer;

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determining a working range for a communication delay by measuring and analyzing delays experienced during the selected time window, the working range including an upper and lower bound

comparing the determined communication delay with the working range for a communication delay" (from claim 1, similar limitations in claims 11, 21 and 40)

The comparison is subsequently used in the modification of data passing through the receiving buffers in relation to latency adjustment. Such subject matter is not found in the prior art, nor is it obvious in view of the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Pertinent Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


10. U.S. Patent 6,452,950 by Ohlsson et al. "Adaptive Jitter Buffering" September 17, 2002. Discloses changing the size of a buffer based on time arrival of packets. Does not disclose selection of a time window as discussed above.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David Lazaro
May 17, 2007


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